

§ § § § § § § § § § § §

AMENDED ORDER

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 28, 2010, and the Clerk of Court entered Plaintiff's objections to the Report on October 25, 2010.* After reviewing Plaintiff's objections, the Court finds them to lack merit and remains in agreement with the Magistrate Judge's Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment is **GRANTED** and the case is **DISMISSED**. In light of this Amended Order, Plaintiff's motion to vacate is hereby deemed **MOOT**.

IT IS SO ORDERED.

Signed this 27th day of September, 2011, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 60 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

* On August 20, 2010, in the absence of any objections, this Court filed an Order adopting the Magistrate Judge's Report. Plaintiff subsequently submitted objections, which the Clerk filed on October 25, 2010. This Amended Order takes into consideration those objections and amends the August 2010 Order.